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Testimony on “RESTORING PUBLIC ACCESS TO THE PUBLIC LANDS: ISSUES
IMPACTING MULTIPLE-USE ON OUR NATIONAL FORESTS”
September 16, 2011

My statements today are predicated on the unshakable belief that “Public Lands” are just that – Public Lands. I have been afforded the opportunity to speak today as the elected Sheriff of Plumas County. My responsibilities to the citizens of Plumas County do not end at the enforcement of laws. My responsibility to the citizens extends to the protections of their freedoms and the safeguarding of their liberties. It is a responsibility that I shoulder with great enthusiasm.

General Information about Plumas County:

Plumas County is located in rural North Eastern California. A land mass of approximately 2,700 square miles we have a population of approximately 25 thousand full time residents with several thousand seasonal residents. Long recognized for its natural beauty, Plumas County hosts thousands of tourists throughout the year who enjoy our lakes and streams during the summer months and cross country skiers and snowmobile enthusiasts during the winter months. Approximately 70% of the county is federal land including United States Forest Service and BLM land.

History and Culture:

Established in 1854, Plumas County is steeped in a rich culture of timber and mining. The natural resources of our county have been the life blood of our economy. This, of course, has changed dramatically over the course of the last thirty years. The timber and, in significant measure, the mining industries have been completely eviscerated. Unemployment is currently above 20%, school enrollments have plunged, and foreclosures exceed the national average.

James Madison said “I believe there are more instances of the abridgement of freedom of the people by the gradual and silent encroachments by those in power than by violent or sudden usurpations.”

The implementation of the Forest Service Travel Management Plan, in my estimation, is the “Abridgement of freedom of the people by the gradual and silent encroachments by those in power.”

The origins of what is now known as the Travel Management Plan dates back nearly ten years. Given this time frame, there is a corresponding measure of deliberateness attached that I find rather disturbing.

Credibility:

The credibility of any law, rule or regulation is contingent upon the recognition by those governed that such law is reasonable, necessary and enforceable with consistency and

impartiality. Furthermore, it is essential that the process by which credible laws are enacted is recognized as inclusive, honest and without preconceived ideals or agendas.

The prevailing sense is the Travel Management Plan was, as a portion of the overall Forest Service Plan, a predetermined eventuality wherein the Forest Service's own procedural guidelines were completely ignored to justify a preset agenda designed by over reaching environmental and political interests. Whether perception or reality, circumstances of late seem to offer credibility to this theory. As put forth, numerous counties filed appeals regarding the findings and recommendations. By and large these appeals were summarily dismissed without comment.

The proposed rule change wherein "coordination," as prescribed within the Forest Service's own procedural guidelines, was altered to "collaboration" further exemplifies measures that while subtle, are meaningful in terms of dealing with the public in a transparent and forthright manner.

While the Forest service has satisfied, minimally, their legal requirements in terms of public comment and input, the reality within the effected population is that any suggestion, request or recommendation fell upon deaf ears within the Forest Service who already decided the course action prior to engaging in the requisite process.

The result now is the Travel Management Plan: It is one of the most flagrant examples of Federal overreach in recent memory. Floating in relevant silence through a bureaucratic process for several years it has arrived as exclusionary, arbitrary and leaves a citizenry astounded by its scope.

Its benign label escaped notice by the vast majority of the citizens it affects most directly. I was not fully aware of its measure until just this past year. I was never contacted by the Forest Service during my tenure as Sheriff or Under Sheriff (2 ½ years) for input or "Coordination." Whether intentional or merely an oversight, it does not reflect well upon the Forest Service.

Absent these points, problematic issues remain. As mentioned earlier, credibility (or lack thereof) is central to the discussion at hand.

Enforcement is central to the credibility of any law. Given the sheer scope of the land mass involved, it will be impossible to consistently or fairly enforce the Travel Management Policy without a massive increase in Federal Law Enforcement staffing which seems unlikely and ill advised.

Furthermore, that such outrageous impediments to the citizens ability to freely travel public lands have been inflicted upon the citizens by a subset bureaucracy of the Department of Agriculture and not Congress further diminishes its legitimacy in the eyes of the people.

I have publicly stated that the Plumas County Sheriff's Office will not enforce the Travel Management Policy as it exists today. I will not inflict punitive measures against law abiding citizens who would do nothing more than access what have long been recognized as public lands.

The Sheriff's Office will not create a new class of criminals out of our family, neighbors and guests who endeavor nothing more than enjoying the forest.

Those who have for generations accessed the forest to cut firewood, fish, hike, ride horses, motorcycles, mountain bikes and camp now face reduced access, restricted and closed roadways and a parking restriction that is completely arbitrary and capricious.

I am not alone in this position. Numerous Sheriffs in California and neighboring states have echoed my position and I will not waiver in my stance on this matter.

As you force larger numbers of people onto smaller areas within the forest you will experience the self fulfilling prophecy of environmental damage which will in turn require even more restrictive measures thus perpetuating this ridiculous cycle until we arrive at the point where the public can no longer reasonably access public lands in any meaningful way.

My fear is, given the very few officers tasked with enforcing this plan; the Forest Service will be placing their officers in situations with a high likelihood for confrontation.

There are already volumes of laws, rules and regulations in place to address resource damage, pollution, environmental and watershed protection. To layer the Travel Management Plan to the existing rules and regulations represents a measure of bureaucracy and governmental restriction that is unreasonable, unnecessary and unenforceable. It is for this very reason the Travel Management Plan lacks credibility and the citizens of this country should not be expected to endure it.

The Travel Management Plan is a significant issue; however, it's merely a portion of the larger and equally pressing concern: The overall health and management of our greatest resource – the forest.

The forests, in my estimation, offer solutions to four critical and interrelated problems for Northern California as well as the entire state of California and beyond:

*Carbon sequestration

*Economic development

*Watershed development and restoration

*Mitigation of catastrophic wild fire

Consider the following: Studies by the Sierra Forest Action Coalition, the United States Forest Service and the California Forestry Association indicate that an annual 20% reduction in bio mass from the forests between Bakersfield and the Oregon boarder would result in an additional one million acre feet of water, create 17,000 new jobs while reducing dangerous fuel loads thereby mitigating catastrophic wild fires. A simultaneously integrated action plan that addresses the four major crises on our forests and in our communities.

To accomplish this, or any similar project, the Forest Service needs to open roads as opposed to closing them.

Working cooperatively, in an atmosphere of honesty, inclusion and transparency, the United States Forest Service and the citizens can return to the table and engage in problem solving wherein the interests of ALL stakeholders are recognized, acknowledged and addressed.